

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	No. 1:23-cv-00108-LMB-JFA
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	

**PLAINTIFFS’ MEMORANDUM OF LAW IN SUPPORT OF  
THEIR MOTION FOR TWO ADDITIONAL GOOGLE DEPOSITIONS**

After reviewing Google’s post-September 8 discovery productions, it is clear that the discovery failure directly affected custodians under serious consideration for depositions by Plaintiffs, and ultimately, altered the final decisions as to who was deposed. Therefore, Plaintiffs respectfully request the Court grant Plaintiffs the authority to take two additional Google depositions, above the ten previously allocated, of Jonathan Bellack and Vlad Sinaniyev. Plaintiffs will not re-open two previously taken depositions.

**ARGUMENT**

After learning of Google’s discovery failure, Plaintiffs requested several interim consequences. ECF No. 416. As one of the requested consequences, Plaintiffs asked the Court to allow Plaintiffs to “depone four new Google witnesses given the prejudice arising from Plaintiffs’ use of four Google party depositions based on incomplete information.” *Id.* at PageID 6346.

The Court rejected our “carte blanche” request but stated, “I’m not saying no to you being able to pick one or two or whatever that you think may be necessary, but you’re going to have to come back and ask me for it and show me why, as opposed to just giving you a number

now. It may be that once the situation gets in, you know, that can be an agreed order or not.”

Sept. 15, 2023 H’rg Tr., at 71:9-14.

Now, after having time to review Google’s late disclosures, Plaintiffs believe the timing, quantity, and substance of disclosures for Jonathan Bellack and Vlad Sinaniyev justify this request.

Bellack spent almost twenty years at DoubleClick/Google, with more than ten years as Director of Product Management - Publisher Ad Platforms, and therefore, was closely involved in many of the decisions that are the subject of this litigation. Between the filing of the complaint and the original fact discovery deadline of September 8, Google produced 5,990 Bellack documents.<sup>1</sup> Since September 8, Google has produced 68,301 Bellack documents, meaning that 92% of Bellack’s litigation documents were produced after the original deadline for the close of fact discovery. Plaintiffs have identified many relevant documents in the late productions that could be the basis for questioning or shown to Bellack during a deposition. Plaintiffs are willing to discuss these new documents and their relevance in an *ex parte*, in camera hearing or filing if the Court believes such information is helpful.

Similarly, Sinaniyev has worked at DoubleClick/Google for over twenty-five years including as Vice President of Engineering for Google’s publisher products like Google Ad Manager, AdX, AdSense, and AdMob. Google produced 27,325 Sinaniyev documents<sup>2</sup> between the filing of the complaint and September 8, and 41,113 documents after, meaning that 60% of his litigation documents were produced after the original deadline. Again, Plaintiffs have identified many relevant documents in the late productions that could be the basis for questioning

---

<sup>1</sup> These are documents where Bellack is listed as one of the custodians.

<sup>2</sup> These are documents where Sinaniyev is listed as one of the custodians.

or shown to Sinaniyev at a deposition and are willing to discuss these documents with the Court in an *ex parte*, in camera manner.

Both individuals were under serious consideration by Plaintiffs as deposition candidates prior to learning of Google's discovery failures, and if we knew then what we know now, they likely would have been deposed instead of two of the Google employees previously deposed. To alleviate this prejudice to Plaintiffs for a problem it had no part in creating and took affirmative steps to avoid, Plaintiffs believe the request for two additional depositions is warranted.

### **CONCLUSION**

The United States and the seventeen state Plaintiffs respectfully request that the Court grant leave to conduct two additional Google depositions of Jonathan Bellack and Vlad Sinaniyev.

Dated: October 20, 2023

Respectfully submitted,

JESSICA D. ABER  
United States Attorney

/s/ Gerard Mene  
GERARD MENE  
Assistant U.S. Attorney  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone: (703) 299-3777  
Facsimile: (703) 299-3983  
Email: Gerard.Mene@usdoj.gov

/s/ Julia Tarver Wood  
JULIA TARVER WOOD  
/s/ Michael Freeman  
MICHAEL FREEMAN

United States Department of Justice  
Antitrust Division  
450 Fifth Street NW, Suite 7100  
Washington, DC 20530  
Telephone: (202) 307-0077  
Fax: (202) 616-8544  
Email: Michael.Freeman@usdoj.gov  
Attorneys for the United States

JASON S. MIYARES  
Attorney General of Virginia

/s/ Andrew N. Ferguson  
ANDREW N. FERGUSON  
Solicitor General  
STEVEN G. POPPS  
Deputy Attorney General  
TYLER T. HENRY  
Assistant Attorney General

Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
Telephone: (804) 692-0485  
Facsimile: (804) 786-0122  
Email: thenry@oag.state.va.us

Attorneys for the Commonwealth of Virginia and  
local counsel for the States of Arizona, California,  
Colorado, Connecticut, Illinois, Michigan,  
Minnesota, Nebraska, New Hampshire, New  
Jersey, New York, North Carolina, Rhode Island,  
Tennessee, Washington, and West Virginia